

Universal Periodic Review Working Group – 31st Session
Universal Periodic Review of China

Due to time limitations for statements delivered in the Council on 6 November 2018 (45secs per country), Australia delivered a shortened national statement in the room. This package includes this short statement, Australia's full national statement as uploaded on the OHCHR website, and questions submitted in advance.

National Statement of Australia
as delivered on 6 November 2018

Australia thanks China for its report and welcomes progress in improving some economic and social rights.

Australia recommends China:

- cease the arbitrary detention of Uighurs and other Muslim groups in Xinjiang;
- cease restrictions on Uighurs' and Tibetans' freedom of movement and allow media, UN and foreign officials access to Xinjiang and Tibet;
- strengthen measures preventing torture and ill-treatment,;
- work towards the abolition of the death penalty, and publish execution data;
- fully protect freedom of religion or belief by ensuring Chinese law supports the rights of individuals to freely practise their religion;
- release detained human rights defenders;
- expedite reforms necessary for freedom of expression to be fully protected in law and practice; and
- uphold the rights, freedoms and rule of law embodied in the 'one country, two systems' framework for Hong Kong

The full version of this statement will be posted on the UPR extranet.

Full National Statement by Australia
as uploaded to OHCHR website

The Government of Australia welcomes China's engagement in the UPR process. We recognise China's extraordinary economic and social development, an achievement which has significantly reduced overall poverty. Australia welcomes China's 2016-2020 Third National Human Rights Action Plan, and our bilateral cooperation including in our Human Rights Technical Cooperation Program.

While welcoming these achievements and cooperation, we note significant regression in some areas of civil and political rights since China's last Universal Periodic Review (UPR) in 2013 and have a range of concerns including the following.

Australia notes that in its 2013 UPR, China accepted Australia's recommendation that it 'strengthen protection of ethnic minorities' religious, socio-economic and political rights, ensuring reports of violations are promptly and transparently investigated; and 'permanently lift restrictions on access to minority areas'. Australia shares the United Nations Committee on the Elimination of Racial Discrimination's (UN CERD) concern at reports that Uighurs, Tibetans and other ethnic groups and human rights defenders have been tortured or otherwise ill-treated. Australia shares the UN CERD's alarm at numerous reports of detention of large numbers of ethnic Uighurs and other Muslim groups held incommunicado and often for long periods without being charged or tried, which exacerbates rather than prevents religious extremism; and reports of mass surveillance disproportionately targeting ethnic Uighurs and Tibetans.

- **Australia recommends that China cease the practice of arbitrarily detaining Uighurs and other Muslim groups in Xinjiang, which is more likely to exacerbate than prevent religious extremism; and, as recommended by UN CERD, immediately release individuals currently detained. Australia recommends China cease restrictions, including military and police measures, on Uighurs' and Tibetans' freedom of movement. Australia recommends that China allow access to Tibet and Xinjiang by the UN High Commissioner on Human Rights and Special Procedures mandate-holders. Australia recommends that China strengthen measures to prevent torture and ill-treatment committed against religious and ethnic groups as recommended by UN CERD.**

Australia welcomes China's improvements in evidentiary and judicial processes in capital punishment cases, including the increased scrutiny and review of death penalty cases. However, Australia remains concerned at China's retention of the death penalty and its refusal to publish execution data in an open and transparent manner.

- **Australia recommends China work towards the abolition of the death penalty, and publish execution data as a priority, to promote transparency.**

Australia is concerned at increasing restrictions on the freedom of religion or belief, including amongst China's Christian believers. Australia's concern was heightened following China's April 2018 White Paper on Religious Belief, which located the right to religious freedom in China's Criminal Law, National Security Law and Counter-terrorism Law, rather than laws on religion or human rights.

- **Australia recommends that China fully protect freedom of religion or belief, by ensuring that Chinese law supports the rights of individuals to freely practise their religion without impermissible government influence or intervention.**

Australia is concerned by the conditions for China's human rights defenders, some of whom remain in detention without trial, and others who are increasingly subject to administrative punishments including the revocation of licenses to practise law.

- **Australia recommends China release all human rights lawyers and defenders currently detained under charges relating to national security, incurred in the course of pursuing their work, or exercising rights protected under the Chinese Constitution. Australia recommends that China further work to ensure its legal system reflects rule of law principles, including but not limited to, judicial independence, freedom of speech and access to justice.**

Australia is concerned at increasing restrictions on freedom of expression in China, particularly online.

- **Australia recommends that China expedite legal and institutional reforms necessary to ensure that freedom of expression, association and peaceful assembly are fully protected in law and practice, consistent with its preparation for ratification of the International Covenant on Civil and Political Rights.**

Australia strongly supports the continuation of the 'one country, two systems' framework, with Hong Kong enjoying a high degree of autonomy. It is important to maintain the freedoms enshrined in the Basic Law under this framework, including freedom of speech, the press and assembly. These freedoms are fundamental to confidence in the vitality and success of 'one country, two systems', which delivers significant benefits to Hong Kong, China and the international community.

- **Australia recommends that Beijing and the Hong Kong Special Administrative Region Government continue to uphold the rights, freedoms and rule of law embodied in the 'one country, two systems' framework. Similarly, Australia recommends that the 'one country, two systems' framework which allows the Macau Special Administrative Region to exercise a high degree of autonomy over its affairs continues to be maintained.**

Questions in advance

As submitted to OHCHR Secretariat

- Paragraph 4 of China's 2018 National Report states that "there is no universal road for the development of human rights in the world", with the relevant section headed "human rights with Chinese characteristics"; in contrast China's 2013 report stated "China respects the principle of universality of human rights".
 - **Does China still accept the principle of universal human rights, and if not, can China explain how its conception of human rights fits into the international human rights regime built on the concept of universality? Can China explain how "human rights with Chinese characteristics" differs from universal human rights, and if it does not, why it wishes to introduce this distinction?**
- Paragraph 14 of China's 2018 National Report states that "China has signed the International Covenant on Civil and Political Rights, and the relevant departments of the Government are steadily continuing to advance administrative and judicial reforms in preparation for its ratification".
 - **Given that China's 2013 National Report paragraph 7 was in similar terms, can China provide more information on the progress it has made since 2013 to ratify the ICCPR? For example, which areas does China consider still require further reform? Has China set itself a target date for ratification?**
- Paragraph 14 of China's 2018 National Report states that "China is also in the process of studying...the issue of establishing a national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles)".
 - **Given that China's 2013 National Report paragraph 12 was in similar terms, can China provide more information on the progress it has made since 2013 to establish a national human rights institution in accordance with the Paris Principles?**
- Australia is concerned about reports regarding the arbitrary detention of Uighurs and other Muslim groups in Xinjiang, and the lack of transparency and access for members of the international community, including monitors from the United Nations Office of the High Commissioner for Human Rights.
 - **What steps is China taking to ensure that the concerns raised by the United Nations Committee for the Elimination of Racial Discrimination (CERD) are being addressed in an open and transparent manner?**